



## **Macedonia, The Former Yugoslav Republic of**

### **Country Reports on Human Rights Practices - [2002](#)**

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Macedonia, which became independent in 1991 following the breakup of Yugoslavia, is a parliamentary democracy with multiethnic party representation and a popularly elected president. In parliamentary elections held in September, opposition parties, including an ethnic Albanian party primarily formed by former insurgents, won a majority of seats. The elections were free, fair, and peaceful; the Organization for Security and Cooperation in Europe (OSCE) led a large international monitoring effort. In November the Social Democratic Union of Macedonia (SDSM), Liberal Democratic Party of Macedonia (LDP), and Democratic Union for Integration (DUI) formed an ethnically mixed government led by Prime Minister Branko Crvenkovski. President Boris Trajkovski, the candidate from the Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity (VMRO-DPMNE), was elected in 1999 in elections characterized by irregularities. During the year, the Government and Parliament continued implementation of the Framework Agreement (FWA) that brought the 2001 insurgency to an end, and the process of recovery continued. The FWA provided for enhanced civil rights for minorities and devolution of governmental power to local governments. The Constitution provides for an independent judiciary; however, at times the judiciary was inefficient and subject to political influence.

From February to July of 2001, Macedonia experienced an insurgency conducted by Kosovar and indigenous ethnic Albanians. Although the insurgents purported to fight for greater civil rights for ethnic Albanians, some observers also attributed to the insurgents criminal motives or intention to form a new, "Greater Albanian" state. NATO successfully facilitated a ceasefire in July 2001, and in August 2001, domestic political parties signed the Framework Agreement with international facilitation by the U.S. and the European Union (EU). By year's end, the Parliament had completed nearly all FWA-mandated legislative actions (including amendment of the Constitution), which provided for enhanced minority civil rights and devolution of power to local governments. Before coming to power in late October, the SDSM/LDP and DUI agreed to a common governmental platform centered on implementation of the FWA and FWA-mandated laws.

The Ministry of Interior, which oversaw the uniformed police, the non-uniformed police, the border police, the police reservists, and the internal intelligence service, was under the control of a civilian minister; a parliamentary commission oversaw operations. The Ministry of Defense shared with the border police responsibility for border security. During the year, multi-ethnic police completed their return, with the assistance of the OSCE and NATO, to rural areas from which they had been expelled during the 2001 conflict. Members of the police committed serious human rights abuses.

The country, with a population of approximately 2 million, has experienced sustained economic problems since independence. GDP shrank by 4.1 percent in 2001 to \$3.7 billion, or \$1,830 per capita. GDP in the third quarter of the year was 1 percent higher than in the same quarter last year; expected GDP for the year was 0.3 percent. The external debt at the end of December was \$1.52 billion, with a debt-to-GDP ratio of 41.7 percent. Annualized inflation at year's end was 1.8 percent, down from 5.5 percent in 2001. Officials of the outgoing, VMRO-DPMNE-led government were accused of profiting illicitly from the privatization of state-owned enterprises. Unemployment remained high at 31.9 percent. A low standard of living and a high unemployment rate prompted continued social unrest.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The government that assumed power on October 31 demonstrated a commitment to improving the country's human rights observance through concrete actions. Under the outgoing government, there was at least one instance of an unlawful killing by police, and there were numerous instances of torture and beatings of detainees by police. In most human rights abuse cases, the Government took insufficient steps, or no steps at all, to investigate and discipline responsible policemen. The judiciary did not effectively investigate or

prosecute state agents for alleged human rights abuses. Arbitrary arrest and detention continued to be a problem. Police continued to compel citizens to appear for questioning, in spite of a 1997 law that requires police to obtain first a court order. Implementation of an Amnesty Law for former combatants not accused of war crimes continued at year's end. While most judicial authorities cooperated, some obstructed implementation of the law. Police intimidated and physically assaulted members of the media. The Government placed some limits on religious freedom by restricting the establishment of places of worship.

Violence and discrimination against women (particularly in the ethnic Albanian community) remained problems. Societal discrimination against minorities, including Roma, ethnic Albanians, ethnic Turks, and ethnic Serbs, remained a problem. Trafficking in women and girls for prostitution was a problem. Adoption of FWA-mandated legislation laid the legal groundwork for improving civil and minority civil rights. Macedonia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second Ministerial Meeting in Seoul, Republic of Korea, as a participant.

In the course of Macedonia's internal conflict in 2001, the police, ethnic Macedonian paramilitaries associated with the police, and the National Liberation Army (NLA) committed numerous, serious abuses. The Amnesty Law provided amnesty from prosecution to former NLA combatants and government draft evaders, but did not afford protection to war criminals. The International Criminal Tribunal for the Former Yugoslavia (ICTY) in October asserted primacy in five war crimes cases.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

The police continued to occasionally commit unlawful killings, and Chief Public Prosecutor Dzhikov and former Minister of Interior Boskovski played key roles in ensuring that these crimes remained in impunity. At year's end, Boskovski remained under investigation by the ICTY for his alleged role in unlawful killings of ethnic Albanian civilians at Ljuboten in August 2001.

On March 2, at Rostanski Lozija, police shot and killed seven illegal immigrants who were attempting to transit the country on their way to Greece. Police then planted weapons and NLA uniforms next to the bodies. Former Minister of Interior Boskovski, changing his account of the incident several times during the day, claimed that the seven men had ambushed four policemen, and that in returning fire, the police killed all of their assailants. Some were shot as many as 56 times. Boskovski denounced the seven (six Pakistanis and one Indian) as international terrorists, and alleged that they had intended to attack Western embassies as well as government targets. A Ministry of Interior investigation exonerated the policemen involved of wrongdoing, and the Chief Public Prosecutor failed to adequately investigate or prosecute the incident. The new Government began an investigation into the case, but there were no concrete developments by year's end.

On October 18, Macedonian police in Tetovo shot and killed one ethnic Albanian youth and injured another when they failed to stop at a police checkpoint.

In December 2001, members of the "Lions" police paramilitary unit shot an ethnic Albanian farmer, Sabit Alili, in the leg while he was working in his field at Ratae. The "Lions" then purposely tied a tourniquet on his leg too loosely; Alili subsequently died from blood loss. The "Lions" detained and tortured Alili's son, Nexhat Alili (see Section 1.c.). The Ministry of Interior, following its initial announcement that the "Lions" had repelled a major "terrorist attack" at Ratae, concluded that the shooting was accidental and exonerated those involved. The Chief Public Prosecutor failed to adequately investigate or prosecute the incidents.

On April 26, the Macedonian Border Brigade shot and killed one ethnic Albanian and injured two others after the ethnic Albanians drove a truck through an illegal crossing. The Ministry of Defense reported that it was investigating the case, but it was not resolved by year's end.

On July 15 at Vinica, 20 members of the "Tigers" special police unit beat Alberto Stojcev to death and severely injured three others during an altercation in a bar. Authorities detained 14 "Tigers" and began an investigation. In retaliation six "Tigers" attempted to assault journalist Mare Stoilova at Stojcev's funeral. Two of the attackers were detained for 30 days, but were not sentenced by year's end. The Vinica Court was not forthcoming in providing information or confirmation of charges being filed. At year's end, there was no resolution to the case.

On August 30, a "Lion" shot and killed an ethnic Albanian man on the Tetovo-Gostivar highway entrance during an anti-kidnapping operation. The case remained unsolved at year's end. On October 19, unidentified persons killed one ethnic Macedonian youth and wounded two others in what police and OSCE believed was a revenge shooting related to the previous night's incidents. Police conducted an investigation into both incidents, but they remained unresolved by year's end.

In April the ICTY monitored the exhumation of cadavers at Ljuboten. The activity was in conjunction with its assertion of primacy in the case of alleged extrajudicial killings of ethnic Albanian civilians by police at Ljuboten in August 2001. Former Minister of Interior Boskovski was widely suspected of ordering the killings.

There were no reported violations by the Macedonian Army; however, some abuses occurred in areas patrolled by both police and military forces. The civil conflict in 2001 resulted in a number of ethnic Macedonian casualties, including approximately 75 security officers, and an unknown number of ethnic Albanian casualties. The Macedonian police, paramilitaries, and ethnic Albanian extremist groups committed extrajudicial killings.

On August 26, unknown assailants shot and killed two ethnic Macedonian police officers, Daniel Jankovski and Aleksandar Nikolic, near Gostivar. Among the suspects detained by police was Selam Selami, who was severely beaten and sustained permanent injuries (see Section 1.c.). Former Minister of Interior Boskovski—without evidence—blamed DUI president Ali Ahmeti for the killings.

On September 12, Fadil Elmazi, an ethnic Albanian policeman, was shot and killed during an attack on the temporary police station at Bogovinje. The escaped assailants were widely suspected of having been members of an armed ethnic Albanian extremist group.

The Ottawa Convention obliged the Government to destroy its landmines by February 2003. A total of 4,000 antipersonnel mines were to be kept for expert training needs of army members. In the presence of international monitors, the Macedonian Army destroyed 22,820 PMR-2A antipersonnel mines from the total of 42,871 that the country inherited from the former Yugoslav army at Krivolak Military Base. Since October 2001, 3.5 million square kilometers were cleared of mines; 18 mines and 650 parts of unexploded devices were discovered and destroyed. By year's end, the demining operation cleared an additional 36 villages and an area of 1.54 million square meters of mines. An International Committee of the Red Cross (ICRC) program to educate children on the risk of unexploded devices, begun in August 2001, continued. However, demining and unexploded ordnance (UXO) disposal efforts were not completed by year's end. On May 8, an Italian NATO TFF officer was killed and a German officer injured when their vehicle struck a mine while conducting demining work at Tetovo.

#### b. Disappearance

There were no reports of politically motivated disappearances.

On July 8, the International Commission on Kidnapped and Other Missing Persons (created by the EU) issued its report on the fate of 20 persons--13 ethnic Macedonians, 6 ethnic Albanians, and 1 Bulgarian citizen--who went missing during the course of the 2001 conflict. The report attributed the Commission's inability to determine the whereabouts of any of the 20 persons or their remains to intransigence among police, former NLA combatants, and the cellular telephone provider "Mobimak." The Commission criticized the Ministry of Interior for a "lack of serious investigations" into the fate of the missing persons. It also said of the Ministry of Interior, "It is rather worrisome that (the Commission) has encountered little which resembles ordinary police work normally emanating in comprehensive police reports ... the lack of serious investigation raises questions of a more general nature." Former NLA combatants and leaders attributed the disappearance of the ethnic Macedonians to a "rogue NLA unit," but refused to disclose more information, according to the Commission. The report concluded that at least 8 of the 13 missing ethnic Macedonians were abducted by the NLA, and that the other ethnic Macedonians were last seen in areas where it was possible or likely that they encountered NLA units. At least three of the six missing ethnic Albanians were known to have been in the vicinity of police when they disappeared. The car of one was found outside the Bitola police station. In the cases of the other three ethnic Albanians and the Bulgarian, the Commission stated that it had no information. Former Minister of Interior Boskovski publicly and harshly criticized the report and suggested that Commission President Ambassador Lars Wahlund be expelled from Macedonia.

DNA testing indicated that remains from the mass grave at Neprosteno belonged to at least four persons. At year's end, the International Committee on Missing Persons was making arrangements with the Government and family members to assist in resolving the cases. ICTY, which has primacy, planned to begin an investigation of Neprosteno in early 2003.

## c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, police at times used excessive force during the apprehension of criminal suspects and sometimes tortured and abused prisoners.

On February 25, police reportedly beat Plasnica Mayor Ismail Jaoski, a Macedonian Muslim, after stopping him along the road between Prilep and Gradsko. When Jaoski reported the incident to Prilep police, the same police officers allegedly beat him at the police station. Reportedly, the former station commander stopped the incident and released Jaoski. The State Public Prosecutor in Prilep failed to bring charges against the police officer, citing insufficient evidence. Since the State Public Prosecutor was unresponsive, Jaoski hired a lawyer and brought charges against the individual policeman who beat him. On March 14, "Lion" Spase Zlatanov shot and permanently crippled a 16-year-old male, allegedly for refusing the offer of a drink. Zlatanov was convicted of attempted murder and sentenced to 8 years in prison.

On April 26, six to eight police severely beat an OSCE observer after attending a party at a bar with a reputation of being frequented by hardline VMRO-DPMNE supporters. It was alleged that the presence of some guests (including ethnic Albanian interpreters assigned to TFF) at the party might have attracted hostile attention. After having the incident repeatedly brought to his attention, the Chief Public Prosecutor requested the victim to report to the basic Public Prosecutor's office to file more information on the event. The case was not resolved by year's end.

In April police detained Vulnet Kazimi, Tetovo Police Inspector for Illicit Drugs and Smuggling. Kazimi alleged that his police colleagues abducted, beat, and tortured him, and accused him of conspiring with the PDP political party to attack a DPA-owned Tetovo restaurant, Dora. Kazimi claimed he was forced to sign a confession. During the 2-week detention, police allegedly did not inform Kazimi's family of his whereabouts, and denied him food, water, and medical treatment. In November Kazimi was found guilty and sentenced to 1 year in prison.

On June 13, police detained brothers Bojan and Dusko Arangelovi of Kocani. At the police station, the brothers were separated. Dusko, a member of the then-opposition party SDSM, allegedly was tortured while bound to a radiator.

In June allegedly intoxicated police reservists shot and injured an 11-year-old girl on Skopje streets. The Ministry of Interior was not known to have taken any action by year's end.

In late August, Gostivar police arrested three ethnic Albanians on suspicion of involvement in the shooting death of two policemen. One of those arrested, a previously disabled individual named Selam Selami, was beaten severely and sustained permanent injuries to the head, and remained in a coma until the end of October. ICRC and OSCE repeatedly and unsuccessfully tried to gain access to Selami. The Gostivar court declined to bring charges against Selami due to lack of evidence, but a Skopje court later charged Selami with criminal association. As of late October, Selami's pretrial detention had been extended twice. He remained in pretrial detention and allegedly was denied adequate medical attention. In early December, he was released on bail pending trial. By year's end, no trial date had been set.

On November 28, Macedonian Customs Administration Acting Director General Vancho Lazarov was beaten severely and hospitalized. Prior to the attack, Lazarov had been threatened on several occasions, allegedly to deter his implementation of an anti-corruption program with the Customs Administration. An investigation was underway at year's end.

In May during a "Lions" live-fire training exercise, former Minister of Interior Boskovski injured four persons. The distance to the targets at which he was firing a 30 millimeter grenade launcher was too short; as a result, shrapnel blowback hit and injured four persons. Although charges were pressed against the former Minister of Interior, the investigation was stalled at year's end because the Gostivar court did not pay the Institute of Forensics and Criminology in full for forensic work conducted during the investigation. Responsible police range officers were not adequately disciplined.

According to the Helsinki Committee, on April 3, six to eight "Lions" detained and allegedly tortured two Macedonian Muslims, Cano Canoski and Vebija Saloski, who were gathering wood in a forest near Oktisi. Police contended the men did not have identification documents and claimed that they only tried to restrain them. Canoski and Saloski reportedly escaped after about an hour and tried to report the incident in both Oktisi and Struga police stations. Upon being prompted by the Helsinki Committee, the Ministry of the Interior reported that some of the involved policemen had been temporarily relieved of duty.

Between August 29 and September 1, some "Lions" allegedly beat at least seven ethnic Albanians during an operation to secure the Gostivar-Tetovo highway. The operation was in response to the kidnaping of five ethnic Macedonians (see Section 1.b.).

In December 2001, the "Lions" detained Nexhat Alili, without explanation, and released him 2 days later. Nexhat Alili claimed that, while in detention, he was tortured and injected with an unknown substance. Neither former Minister of Interior Boskovski or the Chief Public Prosecutor conducted an investigation or indicted any of the perpetrators.

There also were reports of police beating journalists (see Section 2.a.).

There were credible reports of occasional police violence against Roma, including beatings during arrest and while in detention (see Section 5).

According to the Center for Interethnic Tolerance and Refugees, police were involved in trafficking in persons (see Section 6.f.).

On January 23, five unknown, masked individuals beat Pavle Todorovski, the ethnic Macedonian deputy chairman of a newly formed local interethnic council, in his house in the majority ethnic Albanian town of Tearce, near Tetovo. Whether the attackers were ethnic Albanians or ethnic Macedonians opposed to Todorovski's efforts at local reconciliation is unclear. However, according to an Amnesty International (AI) report on the incident, the assailants called Todorovski a "Macedonian traitor."

On October 31, an explosion took place near the entrance of the Parliament building. Police saw, but were unable to apprehend, the attacker. No one was injured, but approximately 10 vehicles were damaged. Many interpreted the attack as a warning to the DUI's Ali Ahmeti not to attend the session; he did not attend. Both the Macedonian National Front (MNF) and the Albanian National Army (ANA) released communiques asserting responsibility for the attack.

Prison conditions generally met international standards, and prisons met basic diet, hygiene, and medical care requirements. Men and women were held separately. While juveniles also were supposed to be held separately, limited facilities at times resulted in older juveniles being confined with adults. Pretrial detainees were held separately from convicted criminals. The Government permitted visits to convicted prisoners by independent human rights observers such as the ICRC and the Human Rights Ombudsman. However, the law prohibits visits to pretrial detainees by any person other than the accused person's lawyer, and this provision commonly was enforced.

As a result of the Government's ratification of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Committee for the Prevention of Torture (CPT) was authorized to visit all places of detention on a regular and ad hoc basis. In July the committee's delegation visited Bit Pazar Police Station (Skopje), Mirkovci Police Station (Skopje area), and the Tetovo Police Station.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution specifically prohibits unlawful arrest; however, arbitrary arrest and detention were serious problems. Although the law requires warrants for an arrest, this provision frequently was ignored, and it was common for a warrant not to be issued until some time after an arrest or for a judge to deny that he had signed the warrant. The Constitution states that a detainee must be arraigned in court within 24 hours of arrest. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. However, according to human rights observers and criminal defense attorneys, police at times violated the 24-hour time period within which a suspect must be arraigned, and denied detainees immediate access to an attorney.

There were several credible reports that police used falsified warrants (see Section 3).

The maximum length of pretrial detention is 180 days. Pretrial detention exceeding 180 days was a problem, and detainees frequently were held on weak evidence. The ICRC repeatedly tried to gain access to pretrial detainees during the year, succeeding in some cases but not in others; it has not made any attempts since the new Government was formed. The investigative judge decides about the legality of detention. If the judge determines that an arrested person should be further detained, the judge must immediately inform the Public Prosecutor. If the

Prosecutor does not file a request for a criminal investigation within 24 hours, the investigative judge must release the arrested person.

On July 8, ethnic Macedonian family members of 12 persons who disappeared during the 2001 conflict blocked the Skopje-Tetovo highway at Zelino to protest the lack of progress in determining the fate of their loved ones. The Ministry of Interior used the occasion to infiltrate armed "Lions" into the group in an attempt to provoke armed conflict with ethnic Albanians in the area. Although armed former NLA combatants surrounded the "Lions" and family members, they eventually allowed them to leave without further incident.

On August 29, unidentified ethnic Albanian perpetrators abducted five ethnic Macedonians along the Tetovo-Gostivar highway. The kidnapers demanded the release of four alleged ANA members, safe passage, and a 3-hour head start on police. The demands were not met, and the victims were freed shortly thereafter without incident. On September 9, the Ministry of Interior publicly stated that it had requested that the Public Prosecutor file criminal charges against perpetrators whom it did not identify.

In November the International Commission on Missing Persons opened a Skopje office to further efforts to determine the fate of the 20 persons who went missing during the 2001 conflict (see Section 1.b.). Despite an investigation, the whereabouts of the 20 missing persons remained unknown at year's end.

On March 7, Parliament passed an Amnesty Law benefiting persons accused of fighting with or actively supporting the NLA up until the date of the NLA's disbandment in September 2001. Many persons benefited from the law, including some whose "crimes of preparation" were committed as early as 1996. Atrocities committed by NLA combatants, which were covered by the Amnesty Law, include killings and expulsions of Macedonians in villages north of Tetovo. The Amnesty Law explicitly excluded persons accused of war crimes, but senior ethnic Albanian political leaders sometimes cited the law in insisting that all former combatants, whether or not they were accused of war crimes, be released. On a few occasions, police falsely accused former combatants of war crimes in order to justify prolonging their detention.

In November 2001, while securing an alleged mass gravesite at Nprosteno, police arrested seven men on charges of possession of illegal weapons. Five of the men were released, but two, Shkodran Idrizi and Fadilj Ferati, remained in pretrial detention until their release in early December. The Skopje Second Court maintained that the two were suspects in the August 2001 Mavrovo Road Workers torture and sexual abuse case. The ICTY Prosecutor asserted primacy in the Mavrovo Case and four other alleged war crimes cases on May 14. On June 26, she stated that she would not indict Idrizi and Ferati in the Mavrovo Case, and ordered the state to free them. In October an ICTY trial chamber upheld the prosecutor's assertion of primacy. However, Chief Public Prosecutor Stavre Djikov took no action to free Idrizi and Ferati. Djikov was dismissed on December 4, and Idrizi and Ferati were released soon afterwards. Residents of the men's hometown and other sympathetic ethnic Albanians protested their innocence on several occasions. No members of the ethnic Albanian community were known to have cooperated with authorities to identify the perpetrators of the torture case.

There were no reports of "informative talks" during the year. Informative talks, as previously envisioned by the Law on Internal Affairs and carried out in practice, no longer were allowed. Legislation provides that the Interior Ministry (police) can invite a person for an interview, but there is no obligation for that person to give any statement to the police. The police have no powers to bring in a person coercively for an interview. The Constitution also provides that a person is entitled to an attorney during the police procedures. However, according to AI, there were still incidents of police ill-treating and torturing detainees.

There were credible reports that the police arbitrarily arrested and detained Roma. According to the European Roma Rights Center (ERRC), on June 11, four police officers beat Celebi Semov and Nedzat Kamberi on the outskirts of Stip as they were returning from gathering firewood in the mountains. Semov reported that he and Kamberi were pulled from their cars by the police, pushed to the ground and handcuffed. Semov testified that the officer who had pulled him from the car punched him in the head, then grabbed him by the hair, lifted him from the ground, and kicked him in the head. Semov reported that he, Kamberi, his minor son, and one other man reportedly were taken to the police station in Stip. At the police station, Semov reported that the police took their personal data and issued them papers for confiscating their vehicles. ERRC filed a criminal complaint with the Stip Public Prosecutor's Office. As of September, the investigation was ongoing and the Stip Public Prosecutor informed ERRC that they had identified two possible suspects, but that they had testified that a friend had injured Semov.

The Constitution prohibits forced exile, and the Government did not employ it.

## e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice, although the court system at times was inefficient and subject to political manipulation. The Chief Public Prosecutor and other elements of the judiciary sometimes acted to ensure the impunity of state agents who committed human rights abuses. The court system was three-tiered and was composed of municipal courts, district courts, and a Supreme Court. A Constitutional Court deals with matters of constitutional interpretation. The judiciary was generally weak and was influenced by political pressure and corruption, in part due to low salaries; however, there were no reports of widespread abuse or systemic corruption.

Trials are presided over by judges appointed by the Republican Judicial Council (an independent agency) and confirmed by Parliament. Two community-member consulting jurors assist each judge, although the judge makes the final decision. The Constitution provides for a public attorney to protect the constitutional and legal rights of citizens when violated by bodies of state administration and other agencies with public mandates: the Office of the People's Ombudsman was created and became functional in 1997 (see Section 4).

The Framework Agreement states that the judiciary should better reflect the ethnic composition of the population and states that one-third of the judges on the Constitutional Court, the Ombudsman, and three members of the Judicial Council will be chosen by the Parliament, including by a majority of the ethnic minority Members of Parliament to ensure minority representation. During the year, the ethnic diversity of judges increased. There was no change in the membership of the Constitutional Court, but two of its nine members were ethnic Albanians. Two of the 4 new judges on the 25-judge Supreme Court were ethnic Albanians. One of the 6 new judges on the appellate court was ethnic Albanian, and 1 of the 17 new judges on the Basic Court was ethnic Albanian.

The Constitution provides for a fair public trial, and an independent judiciary generally enforced this right. The law also provides for the presumption of innocence until proven guilty by a court, the right to a lawyer in pretrial and trial proceedings, and the right to an appeal. The judiciary generally enforced these rights. Court hearings and the rendering of verdicts were open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant was of concern. Trials may not be televised, pursuant to the Criminal Procedure Code, unless authorized by the court under special circumstances.

Prior to the March 7 parliamentary passage of the Amnesty Law, President Trajkovski had pardoned 64 persons in 2001 who had been accused of fighting with or actively supporting the NLA. At least 22 of the remaining 24 who had not yet been pardoned as of December 2001 were amnestied and released during the year. Izair Samiu received amnesty for acts related to the 2001 conflict, but remained in detention for a post-conflict criminal conviction until April, when he was released on bail. There were no further legal procedures related to his case at year's end.

Following the passage of the Amnesty Law, the judiciary halted hundreds of criminal proceedings against former NLA combatants and active supporters. However, the judiciary's application of the law sometimes was erratic. Courts usually released arrested, former NLA combatants after determining that the Amnesty Law was applicable to them. However, the Skopje Second Court and others fabricated "war crimes" charges in order to prolong the detention of persons who should have benefited immediately from the Amnesty Law. In addition, the Skopje Second Court failed to fully implement the Amnesty Law. Very few former combatants were proactive in hiring attorneys and approaching courts to have the cases against them dropped, preferring instead to wait until a court took up review of their cases. Former NLA leader Ali Ahmeti, who had criminal charges dating back to the Yugoslav period, was not fully amnestied. However, upon certification as a Member of Parliament (M.P.), he, like other members of Parliament, received immunity from prosecution for the duration of his parliamentary term. In late November, the courts announced that they had revoked the arrest warrants for Ahmeti and several other persons wanted in relation to crimes covered by the amnesty during the conflict. By year's end, approximately 80 warrants still existed and several former combatants were not released.

On October 25, a trial chamber of the ICTY upheld a May assertion of primacy by the ICTY prosecutor in five alleged war crimes cases. The judiciary signaled its willingness to comply with the instruction to suspend any domestic proceedings dealing with the five cases, but rejected the ICTY prosecutor's request that it also yield primacy over any future war crimes cases to the ICTY.

Early in the year, OSCE's Rule of Law unit limited its activities to ad hoc support of the police redeployment plan and monitoring the return of refugees, internally displaced persons (IDPs), and trafficking in human beings. OSCE also facilitated police and community liaison offices in a number of communities to which the police returned. During the year, the Rule of Law unit shifted focus to institution building (such as Ombudsman support and NGO

building), anti-trafficking (such as supporting the judicial and prosecutorial system to improve the prosecution of cases), and judicial reform (such as minority representation, criminal legislative reform, and judicial transparency).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government did not always respect these prohibitions in practice.

No further progress was made on wiretapping investigations stemming from previous years' cases, including one involving Ministry of Interior employees in early 2001.

The law on eminent domain stipulates that landowners forfeiting land shall be fairly compensated. However, in April the Electric Power Company of Macedonia (ESM) and the Ministry of Finance (Property Rights Directorate) expropriated property in several villages along the Treska river. Owners of the expropriated land were offered non-market prices of \$1 to \$2 (60 to 120 denars) per square meter.

Significant progress was made on housing reconstruction. The U.N. High Commissioner for Refugees (UNHCR) and international partners led efforts to rehabilitate more than 5,600 homes that suffered minor damage. The European Agency for Reconstruction continued to rebuild the more badly damaged homes and completed an additional 550 houses at year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, there were reports that the Government intimidated media that were critical of its policies and programs. The media were not truly independent. Virtually all media outlets were aligned with a political interest, and news and information generally were reported from a political perspective.

Political opposition groups and the Association of Macedonian Journalists criticized government intimidation tactics against media organizations that carried reports critical of the Government. Financial backers and supporters of media organizations complained that they were threatened with reprisals for their affiliation with media outlets critical of the Government. For example, several months prior to the September elections, the Government threatened to revoke the privatization of the Ferpsed company, which owned the daily Vest because it supported the opposition SDSM.

Nine major daily newspapers were published in Skopje, as well as numerous weekly and monthly publications. There was nationwide distribution of dailies and weeklies. The top three national dailies were Dnevnik, Utrinski Vesnik, and Vest. There was one bilingual (Macedonian/Albanian) national daily, Global. Some towns and municipalities had local newspapers. The Government provided a yearly financial subsidy to the print media. There were charges by the press that subsidies were allocated along party lines, with progovernment or government-sponsored publications receiving the highest subsidy regardless of circulation. The two Albanian-language national newspapers, Fakti and Flaka, did receive government subsidies, as did the Turkish-language newspaper Birlik. Two government-sponsored publications, Vecer and Nova Makedonija, consistently criticized NATO and the international community through biased and inaccurate reporting.

The leading newspaper and largest publishing house is Nova Makedonija, which published two national dailies in Macedonian (Nova Makedonija and Vecer), one national daily in Albanian (Flaka), and one national daily in Turkish (Birlik). Nova Makedonija sold 70 percent of its shares to a Slovenian-registered company in August. There were allegations that the Slovenian company was a front for VMRO-DPMNE. Prior to the sale, Nova Makedonija and Vecer provided favorable coverage of government activities. News and information about the opposition was consistently negative in these publications. When the new Government was installed, the share sale to the Slovenian-registered company was investigated, Nikola Tasev, General Manager of Nova Makedonija, was arrested and charged for abuse of power. He was released on bail on December 31. Four other suspects were not placed in custody, but their passports were seized. After the new Government took power, a change in the editorial policy of both Nova Makedonija and Vecer was apparent. The frequency of their attacks on the SDSM and DUI, as well as on the international community, diminished dramatically.



Distributors of foreign newspapers and magazines had to obtain permits from the Ministry of Interior. There were no known reports of such requests being denied during the year. Foreign newspapers, including those from neighboring countries, were available throughout the country.

Macedonian Radio and Television (MRTV) was the sole public broadcaster in the country, with distribution reaching over 90 percent of the population. By the end of August, Macedonian Television had two channels: MTV, which broadcasts programs in Macedonian only, and MTV2, which aired programs in Macedonian and offered limited programming in Albanian, Turkish, and Serbian. Macedonian Television was divided along ethnic and political lines and failed to provide comprehensive and unbiased news and information. MTV and MTV2 were perceived as ethnic television stations, rather than as channels of the national public broadcaster. In September MTV3 was launched in accordance with the Framework Agreement. Programs on MTV3 were broadcast primarily in Albanian, and to a limited extent in Turkish, Vlach, Romani, and Serbian. MTV broadcast in Macedonian and favored the government point of view. There were an estimated 150 local radio and television stations registered in the country. The Broadcasting Council of Macedonia, with government concurrence, issued licenses to radio and television broadcasters. The Council was influenced by the Government.

A1 Television was the primary private television broadcaster in Macedonia, followed by SITEL Television. Both were based in Skopje and had nationwide distribution. There were several private Macedonian language television stations in Skopje including Skynet TV, Telma and Channel 5. There were two private Albanian language television stations in Skopje, TV Era and TV Toska, as well as at least one station that broadcast in the Romani language, TV-BTR. TV EDO was a Bosnian language station.

Copyright laws were regularly infringed.

The Government did not censor the media. However, during the year, former Minister of Interior Boskovski sued Start journalist Marjan Gjurovski for slander over a report entitled "They would cause a new war just to stay in power." The new Government did not restrict media (including ethnic Albanian media), and gave clear indications that it did not intend to do so.

The Association of Macedonian Journalists characterized journalism as a high risk profession. There have been several alleged incidents of police beating journalists, and the Association of Macedonian Journalists reported that there had been approximately 40 cases of physical attacks against or intimidation of journalists since 1999. On September 15 (Election Day), a group of allegedly VMRO-DPMNE-backed persons seized a camera from a cameraman and beat him in front of a polling station in the Ohrid-area village of Kosel. Shortly before the elections, four "Lions" beat and hospitalized Radio Tumba announcer Zoran Bozhinovski. He had been critical of Customs director Dragan Daravelski. "Lions" member Goran Trajkovski was found guilty and sentenced to 1 year in prison. Following Bozhinovski's hospitalization, approximately 150 journalists staged a protest in front of Parliament and the Ministry of Interior chanting the slogan "Here we are, beat us!"

In September unknown gunmen attacked the printing facility of a news magazine, Global, in Mala Recica. Shortly afterward, unidentified perpetrators destroyed the vehicle of Global's co-owner and Start owner Ljupco Palevski. On July 16, an A1 reporter, Mare Stoilova, was attacked while reporting on the funeral of Alberto Stojcev, the victim of a fight between the "Tigers" special police unit and local youths (see Section 1.a.). Two of the alleged perpetrators were detained for 30 days, but were not sentenced. The Vinica Court was not forthcoming in providing information or confirmation of charges being filed.

The Government did not restrict academic freedom. The FWA called for enhanced access to higher education in their own language for ethnic Albanians, and the private Southeast European University in Tetovo provided some Albanian language instruction, although its principal language was English (see Section 5). Some ethnic Albanians continued to demand that the government accredit the inadequate and illegal Tetovo University.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice.

Advance notification to authorities of large public meetings was optional. Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior, and may only be convened by registered religious groups (see Section 2.c.).

Political parties and organizations are required to register with a court. More than 70 political parties were

registered, including parties of Albanians, Turks, Serbs, and Roma. Former Minister of Interior Boskovski attempted to intimidate the political opposition. However, he did not prohibit any parties from registering.

### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law places some limits on religious practice by restricting the establishment of places of worship and parochial schools. The Constitution (as modified in 2001 as agreed in the FWA) specifically mentions several religious denominations and faiths, including the Macedonian Orthodox Church, the Methodist church, Islam, and Judaism. None of these religious communities had official status or privileges. However, during the year a 76-meter cross was placed on Mount Vodno overlooking the city, dedicated by the Orthodox church, and supported with public funds.

The Government requires that religious groups be registered. In practice religious groups needed to register to obtain permits to build churches and to request visas for foreigners and other permits from the Government.

The Law on Religious Communities and Religious Groups places some restrictions on the establishment of places of worship. Provision is made for holding services in other places, not included in the law, provided that a permit is obtained at least 15 days in advance. No permit or permission is required to perform religious rites in a private home. The law also states that religious activities "shall not violate the public peace and order, and shall not disrespect the religious feelings and other freedoms and rights" of persons who are not members of that particular religion. The Government did not actively enforce most of these provisions of the law but acted upon complaints when they were received. Several registered Protestant groups have been unable to obtain building permits for new church facilities due to bureaucratic complications that affected all new construction. Churches and mosques often were built without the appropriate building permits. The Government has not taken any actions against religious buildings that lack proper construction permits.

The Law on Religious Communities and Religious Groups also requires that foreigners carrying out religious work and religious rites be registered with the Government's Commission on Relations with the Religious Communities.

A 1995 law specifies that primary school children must be taught in the Macedonian language, and may not be taught by foreigners, even if the children themselves are foreigners and do not speak Macedonian. Further, foreigners are not permitted to operate educational institutions, manage classrooms, or give grades to non-citizens. In September authorities moved to shut down the Timothy Academy, an evangelical Christian academy operated by foreigners for foreign children. At year's end, the new Government granted work visas to the school's employees and was working to legalize the status of the school.

Some progress was made in restitution of previously state-owned religious property. Many churches and mosques had extensive grounds or other properties that were expropriated by the Socialist government of Yugoslavia. Virtually all churches and mosques have been returned to the appropriate religious community, but that was not the case for many of the other properties. Often the claims were complicated by the fact that the seized properties have changed hands many times or have been developed. On August 28, the Ministry of Finance and the Jewish community reached a settlement on the restitution of Jewish communal property. The Ministry of Finance agreed to return to the Jewish Community three buildings in Bitola, one piece of real estate in Skopje, and bonds valued at approximately \$2.76 million (165 million denars).

There were no reports of destruction of places of worship during the year. However, many places were not fully intact as a result of the 2001 conflict. In December two churches in the villages of Setole and Otunje, that had already been looted in 2001, were vandalized. On August 15, a Sunni Muslim group illegally established an ongoing, armed presence in a Bektashi religious facility, the Arabati Baba Tekke in Tetovo, home to a small, active Bektashi Islamic community, and asserted a claim to ownership of the facility and a hotel and two restaurants on the property's grounds. The occupying group may have received the tacit support of the governing VMRO-DPMNE and DPA; the owner of the restaurants and hotel was reputed to be an SDSM supporter. At year's end, the ongoing ownership dispute between the Bektashi religious sect and the Islamic community over the Bektashi religious facility remained unresolved. Although armed interlopers had left by year's end under international community pressure, fundamentalist Islamic leaders still held services on the Tekke grounds five times per day.

There were ethnic Macedonian Muslim and Bosnian Muslim minorities in the country. Some ethnic Macedonian Muslims contended that the state sometimes confused them with ethnic Albanians and ethnic Turks because of Muslim surnames and mixed marriages and, in some instances, assigning their children to Albanian language classes.

No further progress has been made in investigating 2001 attacks on Muslim places of worship, including the June 2001 attack on the Bitola mosque and the August 2001 burning of the Prilep mosque.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Return of police and the presence of OSCE monitors and NATO TFF soldiers facilitated citizens' ability to move within the former conflict areas. Parliamentary passage of the Amnesty Law made it possible for former NLA combatants to leave former conflict areas without fear of long-term imprisonment, and therefore reduced former combatants' resistance to allowing police returns. In addition, UNHCR provided a strengthened field presence and bus services for returnees and IDPs in the conflict-affected areas to facilitate the passage of checkpoints. Most areas that were closed to the public due to military activities or sensitivities during 2001 have since been reopened. By year's end, the Ministry of Defense had removed the great majority of security checkpoints. According to NATO, of 130 military checkpoints deployed in January in the former crisis area, only 25 existed at year's end. Police in former crisis areas gradually resumed policing duties. Nearly all villages in the former crisis region had created village police liaison commissions involved in encouraging citizens to accept police authority. Nonetheless, there were occasional reports of the army or police detaining people arbitrarily at roadblocks during the year.

At the height of the country's internal conflict, the UNHCR estimated that approximately 170,000 persons, approximately eight percent of the population, were displaced from their homes. During the year, a majority of these IDPs and refugees returned to their homes. However, many persons did not return because their houses were badly damaged or entirely destroyed. The UNHCR and foreign governments led efforts to rehabilitate homes that suffered minor damage. The European Agency for Reconstruction continued to rebuild badly damaged homes. As of October, approximately 5,600 homes, of a total of more than 7,000 destroyed or damaged homes, had been rehabilitated or rebuilt. Other persons did not return to their homes in ethnically mixed locales because they felt uncomfortable, and in some cases, unsafe. At year's end, the UNHCR and the Macedonian Red Cross (MRC) estimated that the number of IDPs had decreased to approximately 9,442 persons totaling 2,115 families. According to the UNHCR, approximately 3,000 refugees had not returned from Kosovo.

Persons holding a government photo identification card--or children with a birth certificate traveling with parents with photo identification--were able to enter the country. For adults with no photo identification, there was a verification process facilitated by the UNHCR with the Ministry of Interior. The UNHCR noted that this practice was at its height when ethnic Albanian refugees returned to Macedonia from Kosovo.

With the adoption of the Constitution in November 1991, any Yugoslav citizen who had legal residence in Macedonia could acquire citizenship by simple application. However, unresolved citizenship status of long-term habitual residents remained an ongoing problem. Many former Yugoslav citizens were unable to acquire Macedonian citizenship. Ten years after the provisions of the Citizenship Act of 1992, they remained without effective citizenship, often without valid identity documents. As a result, they lacked most civil, political, economic, and social rights, including the right to work, as well as the right to social welfare assistance, social protection services, unemployment registration, and access to health insurance. The state regarded them as aliens, either legal or illegal. Further, children born in the country to parents with unresolved citizenship status inherited the problem. Although these children were permitted to attend school, UNICEF and NGOs reported that these children were not graded or given certificates of completion.

Since 1999 UNHCR and the Council of Europe have helped to prepare and have pushed for passage of amendments to a bill on citizenship which would lower the residency requirement for aliens to 10 years, and make other changes in accordance with international and European standards. This was scheduled to be amended during the year, but was delayed. Approximately 2,000 persons apply for citizenship each year.

In February the Government ratified the European Convention on Nationality, thus providing the groundwork for preventing future cases of statelessness. The 1992 Law on Citizenship does not provide any privileges to refugees or stateless persons; however, the pending legislation recognizes refugees and stateless persons as eligible to apply for citizenship after 8 registered years of residency, provided they meet the other necessary requirements.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government has not yet passed an asylum law. A draft law on asylum that was compatible with the Geneva Convention and international standards was prepared in collaboration with the UNHCR and was awaiting submission to the Parliament. Refugee status

determination was governed by the 1992 Law on Movement and Residence of Aliens. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees, and made a notable effort to accommodate more than 300,000 Kosovar refugees in 1999. The total number of remaining refugees from Kosovo, almost all of whom are Roma, was 2,724 by year's end. These refugees benefited from a limited temporary humanitarian protection status that did not provide for self-reliance or local integration rights. There were 1,325 refugees sheltered with host families and 1,399 refugees sheltered in two collective centers located in Shuto Orizari and Katlanovo, near Skopje. The Government provided first asylum.

There were no reports of persons being returned to a country where they feared persecution during the year.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage. The unicameral Parliament governs the country. The Prime Minister, as head of government, is selected by the party or coalition that produces a majority in the Parliament. The Prime Minister and the other ministers may not be Members of Parliament. The President, who is head of state, Chairman of the Security Council, and commander-in-chief of the armed forces, nominates a mandator, who often subsequently becomes the Prime Minister, to constitute the Government. The winning coalition's nomination for Prime Minister must be approved by Parliament.

On August 13, 2001, domestic political parties signed the FWA with international facilitation by the U.S. and the EU. Officials estimated that approximately 100 laws would be affected by the FWA to some extent, 80 of which are specific to decentralization and local self-governance. By year's end, the Parliament had started implementing FWA-mandated legislative actions (including amendment of the Constitution), which provided for enhanced minority civil rights and devolution of power to local governments. The platform and laws deal with issues such as Albanian language usage in Parliament, local government, and higher education; equitable access to media; reform of police and inclusion of more minorities in the police and other state institutions; and the return of police, refugees, and IDPs to the former conflict areas. Government officials estimated that the process will be completed before the next local elections in 2004.

Opposition parties won a decisive victory in the September 15 national parliamentary elections, which were free, fair, and peaceful, with a turnout of 73 percent of the population. The technical conduct of the elections, under the leadership of State Election Commission President Mirjana Lazarova-Trajkovska, and with international assistance, met international standards. The OSCE led an international monitoring effort that involved almost 1,000 observers. The mostly ethnic Macedonian "For Macedonia Together" coalition (led by the SDSM and LDP) won 60 of 120 parliamentary seats, defeating the governing VMRO-DPMNE party and its pre-election coalition partner, the Liberal Party, which together obtained 33 seats. The Macedonian Socialist Party won one seat. Among ethnic Albanian political parties, the DUI, led by former NLA commander Ali Ahmeti, won 16 seats. The ethnic Albanian DPA won seven, the PDP two, and the NDP one.

Of the few, isolated electoral irregularities, the most serious occurred in Lesok, where "Lions" entered a polling place brandishing weapons, beat the local electoral board president, and stole the ballot boxes. Elections were rerun in Lesok 2 weeks later. The rerun was peaceful and did not change the outcome of the elections.

On October 31, Parliament voted in a new Government composed of the SDSM, LDP, and DUI. SDSM President and former Prime Minister Branko Crvenkovski was confirmed as Prime Minister; the SDSM also heads the Ministries of Defense, Foreign Affairs, Interior, Local Government, Culture, Economy, and Environment. The LDP heads the Ministries of Finance, Labor, and Social Welfare, and Agriculture, and has one Minister Without Portfolio. The DUI heads the Ministries of Justice, Transport and Communication, Education, and Health. One of three Deputy Prime Minister positions was allocated to each of the three parties.

Prior to the September 15 national elections, the ruling VMRO-DPMNE-led government tried to influence the outcome through intimidation of opposition supporters and journalists. During the campaign, there were incidents of intimidation of political candidates and supporters. A local SDSM party leader had a molotov cocktail thrown through his office window. VMRO city bosses threatened to fire municipal employees who voted for the rival SDSM. Local police were used to harass opposition supporters. Prior to the elections, Former Minister of the Interior Boskovski attempted to manipulate the voters list by registering 3,200 ethnic Macedonians who live in Albania (and had recently been issued passports by Boskovski) as "residents" of the headquarters of the Ministry of Interior. Following the conclusion of the elections, VMRO-DPMNE tried to cast doubt on their validity. Former Minister of Interior Boskovski and approximately 10 senior police officers attempted to intimidate the State Election Commission (SEC) President on the night of September 18 in order to prevent her from announcing the election

results within the legally mandated 72 hours. Boskovski continued to publicly make claims of forgery and fraud, which were unsubstantiated by international election observers. He also sent police—with a falsified warrant—to raid the ballot printing plant in Prilep on the evening of September 17. Boskovski alleged that hundreds of thousands of additional ballots had been clandestinely printed and fraudulently used. However, his party, the VMRO-DPMNE, had been among those that had previously agreed to destroy the ballots prior to the elections due to a printing error.

On September 9, members of the "Lions" paramilitary unit disrupted an opposition campaign rally in Prilep with gunfire. No one was injured. Prior to the rally, some of the "Lions" and other VMRO-DPMNE supporters tried to block opposition leaders' entrance into Prilep by blocking access roads.

A national census, specifically called for in the Framework Agreement, was carried out in November with EU assistance and oversight. The census enumeration, which met international standards, was accepted by all significant local groups. However, an ethnic breakdown and final results were still pending at year's end. It was decided that broad acceptance of documentation to indicate residence would be accepted as valid identification; sufficient numbers of minority enumerators were hired; and several languages were used on census forms. In accordance with international standards, Macedonian citizens abroad longer than one year were not counted.

The first round of balloting in the presidential election was held in October 1999; there were six candidates on the ballot, representing every major political party, including both ethnic-Albanian parties. International observers reported that the conduct of the first round was satisfactory, and the two candidates who received the most votes advanced to the second round. The ruling VMRO-DPMNE candidate, Boris Trajkovski, gained the majority of the votes cast in the second round in November 1999, but the opposition SDSM candidate claimed fraud and appealed the results. International observers agreed that irregularities occurred in some areas of the country during the second round, and the Supreme Court ruled that the second round should be rerun at 230 predominantly ethnic Albanian polling places. International observers again reported numerous incidents of ballot stuffing and other problems during the December 2001 rerun elections. Claiming that the Government was incapable of conducting a fair vote in the contested areas, the SDSM did not press for another repeat of the voting. President Trajkovski was sworn into office in December 1999.

There were 16 women in the 120-seat Parliament elected September 15, representing an increase from the 9 female members of the previous Parliament. Of the 16, 15 were ethnic Macedonians and 1 was an ethnic Albanian (the first ever). In Muslim communities, particularly among more traditional ethnic Albanians, many women were disenfranchised due to the practice of family/proxy voting through which male family members voted on their behalf (see Section 5). Of the new Government installed October 31, 2 of 17 ministers were women.

A number of political parties represented the interests of minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs, and Roma. Four ethnic Albanian parties and a Roma party had members in Parliament; the ruling government coalition included one of the three major ethnic Albanian parties, as well as the Roma party, a Bosniak party, a Serb party, and a Turk party. The Parliament included 26 ethnic-Albanian members, 1 Macedonian Muslim, 1 Roma, 2 Turks, and 2 Bosniaks.

Some ethnic Albanians and Roma reported that discrimination against them in citizenship decisions effectively disenfranchised them (see Section 2.d.).

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of international and domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Reporting by local NGOs on human rights abuses committed during the 2001 conflict was limited and at times one-sided. However, instances of accurate and fair reporting on the conflict increased during the year. Government officials were not always responsive to the views of human rights groups.

There were more than 4,000 registered NGOs, including the MRC, EURO Balkan, FORUM, Transparency International, MOST, Macedonian Helsinki Committee, and many local NGOs devoted to specific purposes, including Roma rights, human trafficking, and voters' rights.

OSCE and EU monitoring missions continued to assist with implementation of the Framework Agreement and work on restoring confidence between ethnic Macedonians and Albanians. NATO's Task Force Fox (TFF) provided security to international confidence building and police monitors. TFF ended its 15-month mission in the country on

December 15. Under TFF's guardianship, 93 percent of displaced persons returned to their homes, and police returned to 100 percent of the conflict areas from which they had been expelled. TFF also provided security for the September 15 elections and subsequent government transition. At year's end, TFF had been replaced by a new and smaller NATO operation, "Allied Harmony," but had not yet been replaced by an EU force.

The OSCE led international community efforts to engage the Government on human rights issues. Both the 2001 insurgency and the 1999 Kosovo crisis led many international NGOs to establish new offices in the country; many of these organizations have a strong interest in human rights issues.

On October 25, a trial chamber of the ICTY upheld a May assertion of primacy by the ICTY prosecutor in five alleged war crimes cases. The judiciary signaled its willingness to comply with the instruction to suspend any domestic proceedings dealing with the five cases, but rejected the ICTY prosecutor's request that it also yield primacy over any future war crimes cases to the ICTY. Prior to the trial chamber decision, the judiciary cooperated with ICTY in allowing it to monitor its investigations at Ljuboten and Neprosteno of alleged war crimes. In late November, Skopje's Second Court turned primacy over to the ICTY in four of five potential cases related to the 2001 insurgency. In November the Tetovo court turned primacy in the other case over to the ICTY. Despite an instruction from the ICTY prosecutor to release them, Shkodran Idrizi and Fadilj Ferati, detained as suspects in the Mavrovo Road Workers torture and sexual abuse case, remained in custody until December, when they were released by Skopje's Second Court (see Section 1.d.).

The Office of the Ombudsman, established in 1997, processed approximately 2,000 complaints during the year, doubling the caseload from 2001. It received and responded to a disproportionate number of requests from ethnic Macedonians, as compared with those from minorities. In 2000 for the first time, the Ombudsman's office presented the Parliament with a list of its recommendations that had not been accepted or implemented by state bodies. The Parliament responded by passing a resolution ordering the state administration to implement these recommendations; however, little was done to enforce this resolution. The FWA calls upon the Government to substantially strengthen the powers of the Ombudsman. The Ombudsman is to be granted access to all official documents, the power to suspend execution of an administrative act if he determines that the act may be prejudicial to an individual's fundamental rights, and the right to challenge the constitutionality of laws. In March former Canadian Ombudsman Aleck Trawick provided technical expertise to the Ombudsman's Office. In June a comprehensive draft of the Ombudsman Law was proposed; however, implementation of these provisions had not begun by year's end.

## Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens regardless of their sex, race, color of skin, national or social origin, political beliefs, property, or social status. The FWA states that "The principle of nondiscrimination and equal treatment of all under the law will be respected completely. This principle will be applied in particular with respect to employment in public administration and public enterprises, and access to public financing for business development." However, societal discrimination against ethnic minorities persisted, and the protection of women's rights remained a problem.

### Women

Domestic and other violence against women was a persistent and common problem. Legal recourse was available to rape victims, including victims of marital rape. However, cultural norms discouraged the reporting of such violence, and criminal charges on the grounds of domestic violence were very rare. Public concern about violence against women was not evident in the media, although some women's groups were working to raise awareness of the issue. NGOs operated shelters for victims of spousal abuse. A hot line remained open but had limited hours. The Government offered some limited support for victims of domestic violence, but relied heavily on international donor support to maintain a hot line and shelter.

According to some surveys, one out of every fourth woman in the country was a victim of domestic violence, either physical or psychological. The criminal codes did not contain articles that relate to family violence, nor did they actively hold familial perpetrators responsible for abuse. Victims of family violence were often reluctant to bring charges against perpetrators because of the shame this would inflict on the family.

Trafficking in women and girls for prostitution and pornography was a problem (see Section 6.f.).

Sexual harassment of women in the workplace was a problem. The Constitution extends the same legal rights to women as to men; however, society in both the Muslim and Christian communities was patriarchal and the

advancement of women into nontraditional roles was limited. Women remained underrepresented in the higher levels of the government and private sectors, although some professional women were prominent, and a law enacted in 2001 stipulated that women comprise a minimum of 30 percent of each political party's list of candidates for the September 15 parliamentary elections. As a result, the new Parliament had the highest number of women M.P.s in the country's history, including the first ethnic Albanian woman to gain a seat. Women from some parts of the ethnic Albanian community did not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society and schools. In some ethnic Albanian communities, some women were disenfranchised due to the practice of family/proxy voting through which men vote on behalf of women family members (see Section 3).

Maternity benefits included 9 months' paid leave, and benefits were fully respected in state organizations in practice. Women also retain the right to return to their jobs for 2 years after giving birth. However, some private firms and organizations have placed restrictions on maternity benefits.

Women's advocacy groups included the Humanitarian Association for the Emancipation, Solidarity, and Equality of Women; the Union of Associations of Macedonian Women; and the League of Albanian Women.

### Children

The Government was committed to the rights and welfare of children; however, it was limited significantly by resource constraints. President Trajkovski participated in the U.N. Special Session on Children in New York from May 8 to 10. The Office of the Ombudsman contained a special unit for children, partially funded by UNICEF. Education was mandatory through the eighth grade, or to the age of 15 or 16. However, some children did not enter the education system at all. The Ministry of Education quoted 95 percent enrollment, but no other official data was available on children's school attendance, or the number of children who did not have access to education. Primary and secondary education is free, although students must provide their own books and other materials. Public transportation was subsidized for students. Almost 90 percent of the children that have finished primary school continued on to secondary school. At both the primary and secondary levels, girls in some ethnic-Albanian communities remained underrepresented in schools, and only approximately half of ethnic minority students go to high school. This was due in part to lack of available classes in minority languages at the secondary level, and in part to many rural, ethnic Albanian families' conviction that girls should be withdrawn from school at 14 years of age. According to Romani community leaders, up to 10 percent of Romani children never enroll in school, and of those who do, 50 percent drop out by the fifth grade, and only 35 to 40 percent finish the eighth grade. The Ministry of Education encouraged ethnic-minority students, particularly girls, to enroll in secondary schools. Medical care for children was adequate but was hampered by the generally difficult economic circumstances of the country and by the weak national medical system.

In September approximately 200 ethnic Albanian students boycotted school for several weeks to protest perceived inequities in school facilities for ethnic minorities versus ethnic Macedonians.

Since October approximately 200 ethnic Macedonian students boycotted classes at two public schools in the former crisis region, those at Tearce and Semsevo, because former NLA combatants placed a memorial to a fallen fighter in front of the ethnically mixed schools. Despite continued international community pressure to remove the memorials, they remained with the complicity of local ethnic Albanian leaders. The Semsevo school also was illegally renamed for an ethnic Albanian teacher. In December there was an agreed compromise between the Government and the local community to rename the school after the village. However, at year's end, the bust of the teacher, Jumni Jonuzi, remained in the schoolyard. On December 16, the ethnic Macedonian students of six Tetovar villages began temporarily attending classes in the Siricino Regional school.

In June 2001, several high school students at Negotino high school were beaten in an incident involving the school's principal. The school board had attempted to remove the principal from her position based on Article 93 of the law on secondary education; however, the Education and Science Minister did not formally dismiss her. In response, students and teachers within the high school organized a strike. The six teachers who participated in the strike were dismissed from their positions and replaced, but students continued their protest. The principal's brother and associates assaulted the protesting students. The local chapter of the Helsinki Committee for Human Rights found that this situation violated Article 3 and Article 29 in the Convention of the Rights of the Child. The Helsinki Committee cited the students as victims of the politicized atmosphere in the school and improper administration of the school. In addition, the Education and Science Minister failed to support the school board and discipline the school principal. Prosecutors filed charges against the students' attackers. The case had not been resolved at year's end.

In 1999 the Ombudsman's Office for Children was established and empowered to investigate complaints about violations of children's rights. New legislation addressing shortfalls in the juvenile justice system and reforming the existing law to meet international standards was put forward for government review in December 2001, but was pending at year's end. Additional planned reforms to the Law on Pensions and Health Protection, aimed at addressing child labor, also remained pending at year's end.

There was no societal pattern of abuse against children, although the social service's instruments for collecting and analyzing data in this field remained underdeveloped.

Trafficking in girls for prostitution and pornography remained a growing problem (see Section 6.f.).

#### Persons with Disabilities

The law prohibits discrimination on the basis of disability; however, in practice this provision was not enforced. Social programs to meet the needs of persons with disabilities existed to the extent that government resources allowed. No laws or regulations mandate accessibility to buildings for persons with disabilities. There was societal discrimination against persons with disabilities.

#### National/Racial/Ethnic Minorities

The population of approximately 2.04 million was composed primarily of ethnic Macedonians, with a large ethnic Albanian minority, and with much smaller numbers of Turks, Roma, Serbs, Vlachs and others. According to the last census in 1994, ethnic Albanians comprised approximately 23 percent of the population, but ethnic Albanians claimed that they comprised close to one-third of the population. Due to the high number of displaced persons and refugees and a lack of preparation, ethnic Macedonian and ethnic Albanian leaders agreed to postpone a new national census--originally scheduled for January--until November. Although the overall ethnic breakdown was still pending at year's end, the census enumeration was accepted by all local ethnic groups, was timely, was completed without violence, and met international standards (see Section 3).

Inter-ethnic fights and beatings remained commonplace in the country's public schools, and there was an escalation of such violence during the year. In September and October, several ethnic Albanian students were abducted and tortured in Skopje. An October students' protest in Skopje of the killing of an ethnic Macedonian student in Tetovo turned violent. The students beat at least four ethnic Albanians, and vandalized several automobiles. Six students were arrested and the case was pending at year's end. In October a group of ethnic Albanians in Tetovo shot three young male ethnic Macedonians, killing one. Police were still investigating the incident at year's end. This was possibly in retaliation for the police killing of an ethnic Albanian the previous day (see Section 1.a.).

During the year, police received 51 reports of vandalized homes in the ethnic Macedonian villages of Jedoarce, Otunje, and Setole. The ethnic Albanian perpetrators had not been apprehended by year's end. Also during the year, nine houses in the ethnic Macedonian mountain village of Brezno were reportedly vandalized.

All citizens are equal under the law, and the Constitution provides for enhanced protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school. The FWA reaffirms these rights and mandates several explicit rights related to use of minority languages, including access for ethnic Albanians to state-funded higher education in their language. However, ethnic tensions and prejudices remained problems and some governmental institutions, particularly the police, discriminated on the basis of ethnicity. Implementation of the Framework Agreement mandated legal changes was slow, and ethnic Albanians and Roma, particularly, continued to complain of widespread discrimination.

Underrepresentation of ethnic Albanians in the military and police was a major grievance in the ethnic Albanian community, but during the year authorities actively began to address the problem with the assistance of the international community. The police force remained overwhelmingly ethnic Macedonian, but progress was made in assigning ethnically mixed patrols to predominantly ethnic Albanian areas. Ethnic Albanians constituted approximately 3.8 percent of the national police force, while ethnic Macedonians constituted 91.9 percent. The Government for several years had set a recruiting quota of 22 percent for enrolling minority students at the police secondary school, but attrition detracted from the anticipated progress. To raise the percentage of ethnic-minority police officers, the FWA called on the international community to train 1,000 new ethnic-minority police officers by July 2003, and for the Macedonian police to incorporate these new recruits into ethnically diverse units. In September 2001, training of these new police officers by international community trainers began, with later training throughout the year conducted by the OSCE. By year's end, 533 new "non-majority" officers had received ICITAP



or OSCE basic training. Of that number, there were 437 ethnic Albanians, 6 Bosnians, 1 Croatian, 4 Macedonian Muslims, 30 Romas, 10 Serbs, 40 Turks, and 5 Vlachs. Ninety-nine ethnic Macedonian officers graduated from the international training as well, for a total of 632. Approximately, 16 percent of these graduates were female. However, former Minister of Interior Boskovski refused to pay new mostly ethnic Albanian graduates after they entered the police. Shortly after entering office in October, the new Minister of Interior authorized payment to the new recruits.

The military continued efforts to recruit and retain minority officers and cadets. The military was composed mostly of short-service conscripts, drawn from all ethnic groups, although ethnic Albanians tended to evade obligatory military service at a higher rate than did ethnic Macedonians. The proportion of ethnic minorities in the enlisted ranks was estimated to be approximately 15 percent, but the proportion was significantly lower in the professional officer corps. Minorities constituted approximately 10 percent of the total of officers, noncommissioned officers, and professional soldiers; approximately 15 percent of the cadets at the military academy were from ethnic minorities. Ethnic minorities constituted approximately 12 percent of Ministry of Defense civilian employees. The Ministry of Defense stated its intention of raising the percentage of ethnic Albanians to 22 percent during 2003; however, lower than expected applications and higher than normal attrition rates among minority community recruits have hampered these efforts.

The constitutional amendments mandated by the FWA provide that Albanian is to be recognized as a second, official language in areas in which it is spoken by more than 20 percent of the population. The FWA stipulated that the Albanian language would be used officially in Parliament for the first time in October by M.P.s newly elected in September, with interpretation in the Macedonian language provided for ethnic Macedonians and others. The November census was conducted in Albanian and other minority languages. Progress in implementing other FWA mandated use of minority languages was slow. In such areas where ethnic Albanians comprise more than 20 percent of the population, the FWA called for citizens to be able to communicate with local offices of the central Government in Albanian and receive responses in the same language. In addition, Albanian-speaking citizens are supposed to be able to receive personal documents in Albanian, and those accused of crimes have the right to translation at state expense of all relevant judicial proceedings and documents. A law on bilingual identification cards was passed, but none had been produced by year's end. The Ministry of Interior was still drafting the law on other travel documents at year's end. The FWA stipulates that, "the local authorities will decide democratically on the use of other minority languages in public bodies." Roma leaders continued to push for the right to use Romani language in official settings, although the FWA does not provide for use of minority languages of communities comprising less than 20 percent of the population.

Ethnic Macedonians held approximately 85 percent of civil service posts; ethnic Albanians held approximately 10 percent; and other minorities held approximately 5 percent. Ethnic minorities complained that they were disproportionately assigned to lower-ranking positions. Only late in the year were greater numbers of professional positions within the civil service opened up to ethnic Albanians as required by the FWA, which stipulates hiring within the civil service based on an ethnic group's percentage of the population.

The Constitution provides for primary and secondary education in the languages of the ethnic minorities, and this provision was reaffirmed in the FWA. Primary education was available in Macedonian, Albanian, Turkish, and Serbian. Albanian-language education remained a crucial issue for the ethnic-Albanian community; it was seen as vital for preserving Albanian heritage and culture. Almost all ethnic Albanian children received 8 years of education in Albanian-language schools. The number of ethnic minority students who received secondary education in their native languages continued to increase. Ethnic Albanians complained that distribution of public educational resources was not proportional to ethnic groups' representation within the general population.

At the university level, ethnic minorities remained underrepresented, although there was progress in increasing the number of minority students. There were eased admission requirements for minorities at the universities in Skopje and Bitola for up to 23 percent of available places, although the quota has not always been filled. Most university education was conducted in the Macedonian language; until 2001 there was Albanian-language university education only for students at Skopje University's teacher training faculty. The FWA required the state to provide publicly funded higher education to ethnic Albanians in their language. In 2001 the private Southeast Europe University was created with OSCE assistance. Classes were conducted in Albanian, English, and Macedonian. Despite complaints about the private university's relatively high prices, enrollment continued to increase.

Ethnic Turks, who make up approximately four percent of the population, also complained of governmental, societal, and cultural discrimination. Their main concerns centered on the lack of Turkish-language education and media. One continuing dispute has been over the desire of parents who consider themselves Turkish to educate their children in Turkish despite the fact that they do not speak Turkish at home.

There were credible reports of occasional police violence and harassment against Roma. Four police officers beat two ethnic Roma on the outskirts of Stip (see Section 1.c.). Roma rights organizations accused the police of reinforcing patterns of discrimination by consistently siding with ethnic Macedonian citizens in disputes involving Roma.

There was some Romani-language broadcasting. There were incidents of societal violence against Roma during the year. Roma had the highest rate of unemployment, the lowest personal and family incomes, were the least educated, and had the highest birth and mortality rates of any ethnic group in the country. The Government provided very little in the way of social services to Roma. According to the 1994 census, Roma comprised 2 percent of the population, but Romani leaders claimed that the actual number of Roma was much higher. Optional Romani-language education has been offered at several primary schools since 1996, but there has been limited demand and no pressure for a more extensive curriculum.

In 1999 approximately 6,000 Roma fled Kosovo and took up residence in the country in response to both the Kosovo conflict and the hostility of ethnic Albanian Kosovars, who widely considered the Roma to have supported the Serbs and to have committed theft and other crimes against ethnic Albanians during the crisis. Approximately 2,700 of these Romani refugees remained in the country at year's end. The presence of these Romani refugees was not welcome among Macedonia's ethnic Albanians, who largely shared the view of the ethnic Albanian Kosovars concerning Roma. Ethnic Macedonians also expressed irritation at the new arrivals, many of whom settled in Skopje, and some of whom frequented busy traffic intersections to beg, wash car windows, or sell small items. Roma tended to occupy the lowest economic position of society, and the new arrivals have added to the number of Roma in the ranks of the very poor.

The FWA allows ethnic-minority groups to display their national emblems, next to the emblem of the Republic of Macedonia, on local public buildings in municipalities in which they are a local majority.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for the right to form trade unions. Independent trade unions have been allowed to organize since 1992, when an Association of Independent and Autonomous Unions was formed, although there was still a national trade union. The Confederation of Trade Unions of Macedonia (SSM) was the successor organization to the former Socialist labor confederation; it was the Government's main negotiating partner on labor issues, along with the Chamber of the Economy. The Confederation reportedly was independent of the Government and committed to the interests of the workers it represents. More than 50 percent of the legal workforce are unionized, and unions were particularly strong in the garment industry. Trade unions were widespread. The SSM encompassed approximately 14 separate unions organized according to the industry sectors. It has become an interest-based autonomous labor organization. Membership was voluntary and activities were financed entirely by membership fees. Fee-paying members comprised almost 75 percent of all the employed labor force. In recent years, there have been several newly formed unions, including journalists, policemen, and farmers.

The law prohibits antiunion discrimination; however, it existed in practice. Workers at times were fired for participating in union activities, and because of the slow pace of the court system, it at times took 2 to 3 years to legally regain employment.

Unions may affiliate freely with international labor unions and many did so.

### b. The Right to Organize and Bargain Collectively

The Constitution implicitly recognizes employees' right to bargain collectively; however, implementing legislation in this area had not been passed at year's end, and the concept of collective bargaining remained in its infancy. Collective bargaining took place, but in the country's weak economic environment employees had very little practical leverage. Collective agreements were negotiated among the unions and the Ministry of Labor and Social Welfare.

The Constitution provides the right to strike. In March the new president of the SSM was elected and unions organized several strikes. In May employees staged a weeklong strike against the public administration to demand minimum wage; the Government agreed to set the minimum monthly salary for State Administration employees at \$84.33 (5,060 denars). During the year, there were frequent work stoppages at many companies. The reasons for

the strikes included demands for overdue pay; demands for unpaid contributions for health and retirement; objections to government changes in management personnel at some state-owned entities; and objection to various decisions related to privatization. With a few exceptions (including Nova Makedonija employees blocking roads, the Makedonija Tabak strike turning violent, student strikes that turned violent, and large strikes with 8,000 participants), strikes were small, non-violent, and confined to company grounds.

Members of the police and military are prohibited from striking, but on at least one occasion during the year, police threatened to strike as a bargaining tool with the outgoing Government over salary increases, and military pilots also conducted a walk-out to protest government non-payment of salaries.

There were no export processing zones.

#### c. Prohibition of Forced or Bonded Labor

The law prohibits forced and bonded labor, including by children; however, there were reports that child labor was used in the "gray economy" and in illegal small businesses (see Section 6.d.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution sets the minimum age for employment at 15 years, and 17 for work considered hazardous. According to the Law on the Family, a minor (under age 18) under guardianship who is at least 15 does not need the guardian's approval to work and is free to use his/her own salary. Working minors were placed under special protection of the law, which declares that minors may not be employed in work that is detrimental to their health and morality. The Law on Employment also establishes special protection for minors, women, and workers with disabilities. There were no studies or official data on the employment of children under 15, but reported violations of child labor laws increased during the year, and child labor was used in the "gray economy" (including begging on the streets and selling cigarettes and other small items at open markets, in the streets, and in bars or restaurants, sometimes at night) and in illegal small businesses. Such violations received only token punishment, if any, and thus children remained vulnerable to exploitation. Children legally may not work nights or more than 40 hours per week. The Ministry of Labor and Social Welfare was responsible for enforcing laws regulating the employment of children.

In January the Government ratified ILO Convention 182 on the worst forms of child labor. In April 2001, Macedonia signed four conventions of the Council of Europe to protect children. These four conventions had not yet been ratified by Parliament at year's end.

Efforts to eliminate child labor abuse have been largely ineffective, with reported violations of child labor laws increasing over the years. While the necessary legal infrastructure was in place, there has been little practical implementation of the policy and laws and not much was done to raise public awareness on child labor abuse. The NGO sector was active in organizing workshops on children's rights. There were some programs and projects intended to prevent children from engaging in child labor, such as the Project for Children on the Streets, which organized shelters for abandoned children, and the Ministry of Interior's opening of the Transition Center for women and children involved in prostitution.

#### e. Acceptable Conditions of Work

By the end of September, the average monthly wage was approximately \$186 (11,160 denars). The minimum wage is set differently across sectors; the average monthly net wage in September exceeded the value of the consumers' average monthly supply of food for a family of four by 14 percent. Therefore, the average wage did not provide a decent standard of living for workers and their families. However, many persons took on supplemental work, often in the "gray market." The Government Statistics Office estimated that 22.3 percent of the population lived below the poverty line.

The country has an official 40-hour workweek with a minimum 24-hour rest period and generous vacation and sick leave benefits. According to labor regulations, an employee is entitled to 18 to 26 days of paid vacation, not including weekends. However, high unemployment and the fragile condition of the economy led many employees to accept work conditions that did not comply with the law. Small retail businesses in particular often required employees to work far beyond the legal limits.

The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits.

Although there are laws and regulations on worker safety, they were not enforced strictly. The Ministry of Labor and Social Welfare was responsible for enforcing regulations pertaining to working conditions. Under the law, if workers have safety concerns, employers are obliged to address dangerous situations. Should an employer fail to do so, employees are entitled to leave the dangerous situation without losing their jobs. Employers did not always respect this right in practice.

#### f. Trafficking in Persons

A new antitrafficking law that went into effect on January 25 criminalizes trafficking in persons and actions associated with trafficking in persons; however, trafficking of women and girls for the purposes of prostitution and pornography remained a problem. According to the Center for Interethnic Tolerance and Refugees, in some isolated instances police were complicit in the trafficking of persons.

Trafficking in persons for the purpose of illegal immigration is not specifically prohibited by the new law but is covered by other immigration regulations. Under the new trafficking law, traffickers are penalized with a minimum of 4 years' imprisonment for most trafficking crimes. A minimum of 6 months' sentence is mandated for the destruction of identification papers of a trafficked person. The same minimum sentence is also mandated for convicts who wittingly used or enabled another person to use sexual services from a trafficked person. Greater penalties were mandated for those who trafficked children.

During the year, charges were brought in at least three cases under the new law. On February 12, police arrested an additional 3 traffickers in the Kumanovo area. The raids led to the rescue of six women. On May 20, the first conviction of four men accused of trafficking in women and children took place. In mid-November, the Kumanovo Court sentenced another trafficker to three years in prison for trafficking women. On December 5, the Ministry of Interior filed criminal trafficking charges against a trafficker from Gostivar and another from Bulgaria. On December 27, Macedonian law enforcement officials conducted raids at bars in Skopje, Ohrid, and Velesta (a town near Struga associated with trafficking), where there was a reasonable suspicion that trafficked women were being held. Preliminary reports indicated that 46 foreign females were detained or arrested and some deported.

In December the Interior Ministry signed a statement of commitment to legalize the status of trafficked persons that promoted a shift from an exclusive arrest-oriented approach to a victim-centered approach. The Government devoted resources to anti-trafficking programs, including an interministerial working group devoted to legal reform, a special police unit dedicated to antitrafficking efforts, and the maintenance of a shelter for victims. The Interior Ministry's Department of Organized Crime had the lead on anti-trafficking efforts and devoted two persons to the issue full-time. The Government routinely cooperated with neighboring governments and international organizations in trafficking cases.

The Ministry of Interior estimated that there were between 500 and 2,000 victims of trafficking in Macedonia at any given time, and that between 8,000 and 18,000 women and girls were trafficked to or through the country per year. Although reportedly the country was a transit country and a destination country for trafficked persons, officials have acknowledged that a small number of citizens have been victimized. Some noted that the country had become a destination and cited the influx of personnel and money with foreign/military forces as a major factor. Traffickers recruited or abducted women from other countries, especially Moldova, Romania, and Ukraine, and to a lesser extent, Kosovo and Croatia, to work as prostitutes in several Macedonian towns and to be trafficked through the country on their way to Albania and Kosovo, and then to Italy and other West European countries. Victims were recruited through promises of gainful employment abroad. Many victims were not aware that they were being trafficked. Trafficked women and girls were frequently forced to work in brothels and nightclubs. They were often subjected to violence, including rape, assault, and intimidation.

According to the Center for Interethnic Tolerance and Refugees, police in isolated cases were complicit in trafficking crimes. Instances of corruption and involvement of police in trafficking in persons occurred on the local level. In accordance with the new law, victims rescued from their traffickers by police were no longer immediately deported, but granted an extended stay in the country. Victims were encouraged to provide information about their traffickers for criminal prosecution, and there is a provision for the protection of witnesses. Foreign women arrested for prostitution were usually fined and deported. Police insensitivity was a problem, but sensitivity training for police was slowly changing attitudes. In November the Stability Pact Task Force on Trafficking in Human Beings developed a training curriculum to raise police sensitivity. The Government did not provide funding to NGOs to support victims' services. Most services were provided by the International Organization for Migration (IOM). The Government cooperated with IOM to provide shelter and medical and psychological assistance to trafficked women. Public awareness of the problem was low but was increasing by year's end. As a result of IOM's work, and other international assistance, there was growing engagement of civil society and a referral system and hotline were established.